



1638

1104628-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants : Koziel et al.  
Serial No. : 09/988,462  
Filed : November 20, 2001  
For : Synthetic DNA Sequence Having Enhanced  
Insecticidal Activity in Maize  
Examiner : McElwain, Elizabeth  
Group Art Unit : 1638

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**SECOND SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING OF A FIRST OFFICE ACTION**

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**Via Hand Delivery**

**Group 1638  
Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

Applicants submit this Information Disclosure Statement ("IDS") and the attached Form PTO-1449 in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of the documents listed on the accompanying Form PTO-1449 is submitted herewith.

The IDS is submitted to provide the Examiner with additional information arising out of a patent infringement litigation entitled, *Syngenta Seeds, Inc. v. Monsanto Company; DeKalb Genetics Corp.; Pioneer Hi-Bred International, Inc.; Dow AgroSciences, LLC and Mycogen Plant Science, Inc. and Agrigenetics, Inc.*, C.A. No. 02-1331 (D. Del.).

This submission should not be misconstrued as an acknowledgement by applicants or the undersigned that any of the submitted information is material or qualifies as prior art.

This IDS is being filed before the mailing date of a first Office Action on the merits according to 37 C.F.R. §1.97(b)(3). Therefore, no fees are due in connection with this filing. However, should any fees be deemed necessary in connection with this filing, the Assistant Commissioner is hereby authorized to charge Deposit Account No. 23-1703.

Dated: July 28, 2003

Respectfully submitted,



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John Scheibeler  
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Attorney for Applicants

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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 1104628-0016	Serial No. 09/988,462
O I P E INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicants: Koziel et al.	
		Filing Date: November 20, 2001	Group: 1638

## UNITED STATES PUBLISHED PATENT APPLICATIONS

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**OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)**

Examiner:

### Date Considered:

\*Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.